



U.S. Governmental Advisory Committee
*Independent Federal Advisors
on the North American
Agreement on Environmental Cooperation*

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The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Johnson:

As a preface to our advisory communication, I take this opportunity to express thanks for the time that you allocated on June 27, 2006 to meet with me and other members of the U. S. Governmental Advisory Committee (GAC) and the National Advisory Committee (NAC) to informally discuss various aspects of the North American Commission for Environmental Cooperation (CEC). We recognize that the CEC Council Session in Washington, D.C. presented serious time constraints for you so we are grateful for your personal attention. The committee values the extraordinary opportunity to fulfill our advisory role in a strengthened manner through personal interaction with you at the Council Sessions. Consequently, we hope to repeat the experience in Mexico next year during the 14th CEC Council Session.

The Governmental Advisory Committee (GAC) to the U.S. Representative to the North American Commission for Environmental Cooperation (CEC) met on October 19-20, 2006 in El Paso, Texas. During this meeting, the committee reviewed projects related to the *2007-09 Operational Plan of the CEC*. The five projects reviewed were: 1) tracking pollutant releases and transfers in North America, 2) mapping North American environmental issues, 3) sound management of chemicals, 4) building local capacity for integrated ecosystem management, conservation of critical species and spaces, and 5) encouraging green purchasing and renewable energy. This letter provides the GAC's advice regarding these projects.

We take this opportunity to also express gratitude to Judith E. Ayres, Assistant Administrator for EPA's Office of International Affairs (OIA), for her letter dated June 20, 2006. It is very helpful for us to receive such feedback in response to our deliberations and advisory letters.

We also take pleasure in recognizing the efforts of EPA's Office of Cooperative Environmental Management (OCEM) for their professionalism and hard work with the administration of the GAC and its non-governmental counterpart, the National Advisory Committee (NAC). In particular we commend Mr. Oscar Carrillo, the committees' Designated Federal Officer, for his attention to details. By virtue of preparatory and follow-up efforts made by Mr. Carrillo and support staff at OCEM, our deliberations proceed smoothly and remain on-mark so that our advice can be of optimal value to the United States government.

We also take this opportunity to thank Mr. Rafael DeLeón, Director of OCEM for demonstrating a personal interest in the work of the GAC and NAC by virtue of his presence and active support of our recent deliberations. We recognize that OCEM has broad responsibilities regarding the administration of numerous advisory bodies so we are especially appreciative to him for displaying a continuing interest in our work.

We also appreciate the participation of Neilima Senjalia, Associate Director of EPA's Office of International Environmental Policy for her presentations on the U.S. strategic goals for the three CEC pillars. We also thank Dan Thompson, the CEC Coordinator for the U.S. Government and Evonne Marzouk, the NAC/GAC Liason, both from OIA, for taking the time to travel to Texas and provide the GAC with insights into the latest developments in the various CEC projects. Mr. Thompson's input was especially noteworthy and constructive. We are very pleased by his addition to EPA's CEC Team. The GAC was also pleased to have received written questions from OIA in advance of the meeting as a tool to help provide focus on areas of interest to the U.S. Government. We appreciate OIA's commitment to the GAC by carving out time to draft the charge questions for our El Paso meeting.

In an expression of appreciation to both OIA and OCEM, the GAC is grateful for their joint decision to authorize a member of our committee, Mr. Colin Soto of the Cocopah Indian Nation in Arizona, to attend a key CEC event in San Diego. As a result of this important support the GAC and his tribal nation were represented at a workshop regarding Tracking Pollutant Releases and Transfers in North America. Our committee viewed Mr. Soto's participation as vital because of his personal knowledge and experience of living in a border community. We thank EPA for this important accommodation.

We also thank EPA for accommodating the Secretariat at our meetings. The GAC considers the presence of senior staff from the CEC Secretariat to be absolutely vital for our effective deliberations. We also express gratitude to Mr. Carlos Sandoval, Chair of Joint Public Advisory Committee for his presence at the meeting, thereby promoting effective information exchange among our related advisory bodies.

At this meeting we had the great pleasure of meeting Mr. Adrián Vázquez, the newly appointed Executive Director of the CEC. We appreciated Mr. Vázquez's insightful presentation regarding a new vision for the CEC.

In conclusion, we thank you for EPA's continued support of our role in the enhancement of environmental conditions throughout North America and we hope that our advice is useful.

Sincerely,

Plácido dos Santos, Chair
Governmental Advisory Committee

cc: Judith Ayres, Assistant Administrator for EPA's Office of International Affairs
Jerry Clifford, Deputy Assistant Administrator for EPA's Office of International Affairs
Rafael DeLeón, Director, Office of Cooperative Environmental Management
Dolores Wesson, Chair, U.S. National Advisory Committee
Carlos Sandoval, Chair, Joint Public Advisory Committee
Jean Perras, Chair, Canadian National Advisory Committee
Patricia Muñoz, Chair, Mexican National Advisory Committee
Members of the U.S. Governmental Advisory Committee

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2006-7: Tracking Pollutant Releases and Transfers in North America

- **PRTR Chemicals**— Generally, the GAC thought that they did not have enough information to adequately answer the charge questions posed by EPA on this topic. Regarding the inquiries pertaining to target audiences, we recommend that this be best addressed either in advance of implementing the projects or as a result of the GAC's proposed Visioning Session.
- **Chemical Information and Emergency Preparedness** – Some of the GAC members who reside on the U.S.-Mexico border expressed frustrations about responses to chemical emergencies and risk to populations as a result of lack of information at the local level about materials that are transported through the communities. GAC members recommend enhancing emergency response capacity by providing training and equipment for first responders along the U.S.-Mexican border.
- **Reporting Information and Data Differences** – The GAC notes that, where data uniformity is lacking across international borders, it is valuable to report both, the information that exists and the information differences that exist. Broad awareness of the commonalities and differences in the countries' pollutant tracking and reporting systems can lead to informed engagement and commitments to collaborate for protection of the environment and public health.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2006-8: Mapping North American Environmental Issues

- **Environmental Quality Data** – Members of the GAC were struck by the absence of environmental quality data in this mapping project and recommend that the scope be expanded to include environmental quality information such as air quality, water quality, known contaminated sites, etc.
- **Metadata** – To facilitate broad use of the data that are being gathered in this effort, the GAC recommends that a metadatabase be established which would identify and describe the sources of data that were amassed in this project. Different from a mere reference list, a metadatabase would permit on-line users to more easily research sources of information that are adequately described and thereby facilitate screening of information sources by region, geography, ecosystem or other numerous types of data so the studies and original databases can be more readily examined as a subsequent step if appropriate.
- **Search Capability Functions** – The project should incorporate on-line functions that permit users to search the data by type.
- **Scalability** – GAC members had technical questions regarding the ability to change scale of the information products being developed in this project. To be optimally useful, the information that has been accumulated should be accessible through information searches at both a North American scale and at a more local scale, perhaps that of states or provinces.
- **Use of Satellite Imagery** – Satellite imagery should be made available as a base map or as a retrievable overlay. Often, the satellite imagery facilitates the geographic orientation of the users and can enhance the depiction of variations in ecosystems, watercourse, and numerous other features that are more easily grasped from this high elevation perspective.
- **Links to Other Webmaps**—The GAC recommends linking the data sets in the current map with other commercial maps such as Google Earth and/or Mapquest to facilitate greater use of the data by the general public. During the meeting, a personal contact was provided to the U.S. EPA for an individual at Google who may be able to assist the CEC in linking its data sets to the Google Earth System.
- **Data Security and Confidentiality** – GAC members communicate a concern regarding information that will require some level of confidentiality and which should not be posted for unlimited public access. If it has not occurred already, we encourage leadership at the U.S. EPA to discuss this issue with implementers of this project. Members of the GAC are concerned that national security and valuable national resources could be put at risk of harm through the innocent act of making information available to the public. Potential undesirable consequences such as vandalism, poaching, theft and terrorism should be carefully examined prior to making information available through the internet and these risks should be weighed against the value and potential benefits of broad dissemination.
- **Budgetary Consideration** – GAC members noted that US \$130,000 was allocated for this project and were concerned that this would become a stand-alone baseline information project.

- **Mechanism for Project Updates** – The U.S. government should explore the possibility of transferring this project, once completed, to another entity that would have a vested interest in making the time-consuming updates that will be needed to keep the information fresh and usable. This is an especially important project for the GAC/NAC’s recommended “conveyor belt” concept which relies on the premise that the CEC should not permanently “own” all projects and should actively seek entities that can continue to advance useful project activities that were initiated by the CEC.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2006-9: Sound Management of Chemicals (SMOC)

- **Chemical Laboratories in Mexico** —The GAC has been informed that Mexico is faced with a paucity of governmental laboratories that are able to develop quality data regarding many chemicals of concern such as dioxins, furans and fluorobenzene. The GAC recommends that this be addressed by the CEC as a capacity-building effort aligned with one of the three CEC pillars. This strategic approach to international chemicals management may fit within the scope of the Strategic Initiative for the Management of Chemicals, which is in effect worldwide under the auspices of the United Nations Environmental Program (UNEP). Mexico will need assistance and training in upgrading their laboratory capabilities and the CEC can play a critical role in leveraging resources through the facilitation of partnerships. It should also be noted that major chemical companies throughout North America may also be in a position to help address this need as previously used but adequate equipment is replaced with newer technology. For example, international donations of equipment from analytical laboratories in Arizona have been facilitated for governmental entities in Mexico that face less stringent needs. The CEC can serve as a catalyst in this capacity at a broad level.
- **Engaging Stakeholders** - The GAC supports the inclusion of stakeholders for the selection of the SMOC Group's priority projects for the next five years. We understand that a meeting is proposed to be held in the spring of 2007 and encourage effective outreach for appropriate participation. The GAC also recommends including site-specific experiences or pilot programs that will engage local communities and thereby enhance the relevance of the SMOC work at the ground level. For example, the incidence of significant chemical releases in railroad transportation may be reason to focus on particular chemicals or pathways of exposure. The frequency of sulfuric acid spills by rail tankers along the Arizona-Mexico border was raised as an example that requires such attention.
- **Comparison of EU versus US Management Approaches** - The GAC discussed the value of performing a comparison between the European Union mechanisms for chemical management versus the U.S. approach. Members with experience in this field believe that such a comparison can assist the NAFTA parties in development of a trilateral model for management of chemicals in North America.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

**Advice 2006-10: Building Local Capacity for Integrated Ecosystem Management,
Conservation of Critical Species and Spaces**

- **Increasing Focus in North America's Migratory Species** — The GAC recommends that the CEC's biodiversity efforts be increasingly focused on species that migrate broadly throughout North America, such as the monarch butterfly, whales and migratory birds that move among the three NAFTA countries. Specific attention to such fauna seems to be an appropriate area of emphasis for the CEC. The CEC's "Bering to Baja" work product is a useful example of the proposed emphasis.
- **Forensic Laboratories** – Members of the GAC learned of Mexico's need for forensic biological laboratories for enhanced wildlife management. This is an issue that has also been raised among the U.S. and Mexican wildlife agencies operating along the border. The need to address this deficiency is considered fundamental by some wildlife managers in both countries. Under the rubric of both capacity building and biodiversity, the CEC should provide additional focus to this issue. The CEC can play a facilitation and outreach role to promote donations and partnerships among wildlife management agencies in the US, including the states, and Canada, including the provinces, to determine where international support roles can be nurtured with Mexican collaborators. The promotion of partnerships between Canadian provinces and Mexican states may be especially useful at this time while Mexican states are currently accepting increasing wildlife management authorities from the Mexican federal government and require active support from NAFTA partners. An initial focus on meeting the need for laboratories may be a pragmatic initial step.
- **Conservation and the Human Element** – GAC members discussed the value and importance of viewing the human existence as being intertwined and inextricably linked to the conservation of species and ecosystems. The promotion of this holistic and integrated perspective is necessary to generate broad awareness of human beings, flora and fauna all being affected by environmental quality. By increasing awareness regarding the links between conservation and the human element, environmental and economic sustainability can become more tangible concepts and more readily communicated for effect. The GAC supports this traditional Native American indigenous people's perspective and recommends its incorporation into the activities, deliberations and work products of the CEC's biodiversity portfolio.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2006-11: Encouraging Green Purchasing & Renewable Energy

- **Biofuels** – The GAC recommends that the CEC provide greater focus on the use of biofuels, especially ethanol and biodiesel, in Canada, Mexico and the United States. A careful examination of market forces, infrastructure needs and constraints on demands for such fuels may prove very useful for the successful introduction of ethanol and biodiesel in each of the three countries.
- **Unique Considerations for Mexico** - The GAC believes the development of alternative renewable energy sources is critical for Mexico's environmental well-being. We note that PEMEX, Mexico's government-owned petroleum monopoly, may face unique constraints for the production, distribution and marketing of these renewable fuels so particular attention to trade opportunities among the NAFTA partners should be a subset of the CEC's renewable energy activities. For example, the use of combustoleo, a less-refined form of fuel oil, may provide a great opportunity for significant emissions reductions and less reliance on petroleum through substitution with biodiesel that could be readily derived from Mexican crops, waste vegetable oils or otherwise generated within Mexico to support the local economy. If Mexico is unable to produce sufficient quantities of biodiesel to meet demands, international trade opportunities could be explored as an interim measure. This represents a potential nexus of trade, environment and energy that could be catalyzed by the CEC working with other institutions. The potential use of biodiesel by the shipping industry may be a similar opportunity. In addition to PEMEX and SEMARNAT, Mexico's Treasury Department, Hacienda, would be instrumental for such exploratory discussions.
- **Biofuel Fleets** – To promote the acquisition of bio-fuel capable vehicles, the GAC recommends that the CEC inventory and examine fleet purchasing trends at major communities throughout North America in an attempt to identify potential incentives or supportive actions that would help promote and leverage demand and use of these fuels. The effort should be prioritized and scaled based on the relative sizes of fleets such as federal fleets, state fleets, large commercial fleets, etc.
- **Green Purchasing Incentives for Bio-fuel Capable Fleets** – The GAC recommends that the CEC examine potential green purchasing incentives regarding vehicles that can use biofuels. For example, particular incentives might be put into place for heavy-duty diesel trucks that can burn B100 instead of B20 or B5.
- **Other International Partnerships Regarding Biofuels** - The market value of carbon credits should not be overlooked as a potential motivator for innovative international partnerships that can lead to greater availability and use of biofuels. The ability to have non-NAFTA countries support infrastructure costs for credits associated with greenhouse gas emissions reductions in Mexico should be explored by the CEC as a component of the renewable energy portfolio for North America or as an air quality activity.

Governmental Advisory Committee (GAC)
to the U.S. Representative to the
Commission for Environmental Cooperation (CEC)

Advice 2006--12: General Issues; Future topics, Agenda items, and Format

Future Meeting Topics

- **Increasing the CEC's Profile – “Visioning Session”** – The GAC appreciates the U.S. EPA's supportive response regarding our past recommendation to implement a Visioning Session to develop a focused marketing plan for the CEC. In our letter of May 10, 2006, we provided a rough outline of the proposed Visioning Session and proposed that the objective of this effort would be “to identify specific coordinated actions that would enhance the profile of the CEC and strengthen the organization's relevance and resonance throughout North America.” Assuming that the EPA is still interested in receiving GAC/NAC advice regarding this topic, the GAC recommends allocating an adequate amount of time at the upcoming Spring 2007 meeting to conduct this discussion and formulate recommendations for the U.S. government's consideration. Conference calls seem appropriate and necessary for early formulation of the draft agenda.
- **Actions to Make the CEC Better Known** – In response to the verbal inquiry that the EPA posed during our meeting “Why isn't the CEC known?”, the GAC recommends that the US EPA prepare to conduct outreach with the interstate environmental alliances such as the Environmental Council of the States (ECOS) and the National Association of Clean Air Agencies (formerly STAPPA and ALAPCO) to inform existing regularly-held forums that include personnel from across the country. There is little doubt that such key outreach will be a core component of any marketing plan that would emerge from our proposed Visioning Session. It would be prudent to prepare for this outreach at the earliest opportunity.
- **The CEC Executive Director's Concepts and Vision for the CEC** – Separate and apart from the previously-described Visioning Session, members of the GAC were very intrigued by the Executive Director's fresh ideas as presented at our June meeting. The Director's alternative concepts and “vision” for the CEC included, but were not limited to:
 - (1) A new approach based on eco-regions,
 - (2) Emphasis on local dissemination of information and project results,
 - (3) Building capacity at the local level in Mexico,
 - (4) Leveraging CEC resources for training and environmental actions,
 - (5) Promoting synergy among the CEC Work Groups with the goal of enhanced productivity and relevance,
 - (6) Realigning trade and environment efforts so that economic development and environmental improvements are better integrated and self-perpetuating
 - (7) Re-examining the current approach regarding the assessment of NAFTA.

Through a scheduled agenda item at an upcoming meeting, the GAC requests the opportunity to explore these concepts with the U.S. government and the Secretariat at some depth. We recommend that sufficient time be allotted to thoughtfully explore the concepts that were presented as options worthy of discussion.

Meeting Format

- **Overall Feedback**-- GAC members enjoyed the new agenda format which was designed to seek input on several specific project areas that are being addressed by the CEC. Even though there was a limited amount of time allocated to each project area, and this sometimes precluded an in-depth presentation of project activities, the overall approach was broadly welcomed by GAC members. We found the EPA OIA's perspective of the CEC especially helpful and appreciate such an initial orientation at the beginning of each meeting.
- **Project/Activity Overviews** - Some members felt they lacked the expertise to thoughtfully answer some of the EPA's charge questions, particularly those of a highly technical nature. For future meetings, it would be helpful to receive a preliminary overview or presentation-style summary of any project or activity that will be the subject of GAC/NAC discussion.
- **EPA's Charge Questions** – While the GAC unanimously appreciates the presentation of “charge questions” by the EPA, we believe that such questions should probably not probe the extreme details regarding the projects. We believe it would be preferable to refer such attention to details to EPA's Project Managers who certainly have expertise and close personal knowledge about the CEC's programmatic activities. Members of the GAC express an interest in the slightly broader view of CEC projects and activities.
- **Project Executive Summaries** - We request that, whenever possible, we receive succinct written materials in advance (perhaps 2 to 5 pages per project area) that will allow us to develop sufficient background and perhaps allow us to better address the charge questions. Such Executive Summaries can enhance the efficiency of the meetings and help ensure that our committee is appropriately briefed and more prepared for meaningful discussion. Each Executive Summary should include a web link for additional information so members can readily develop more in-depth expertise if so desired.

Future Agenda Items:

- **“Assessing the Environmental Effects of NAFTA”** – As part of the ongoing series of project-specific agenda items, the GAC requests that our next meeting include a presentation and discussion opportunity regarding the CEC's work on *Assessing the Environmental Effects of NAFTA*. Many members of the GAC believe that this topic is central to the CEC so we look forward to learning about the activities, products and overall findings of this effort even if only in preliminary stage. The GAC hopes that this initiative will address the specific environmental impacts of NAFTA at border communities, whether positive, negative, or both.
- **“State of the Secretariat”** - The GAC recommends that all meetings include a succinct overview of the current status of the CEC, including budget, projects, priorities and schedule of the notable upcoming CEC events with an outlook of up to four months. Starting with a brief overview of what HAS happened and what WILL happen will give us a better vantage point for advice. This proposed standard agenda item should be titled “State of the Secretariat.”
- **“Executive Director's Dialogue”** - Without exception, GAC members were very impressed by the Executive Director's presentation regarding his vision and proposed concepts for the CEC. We appreciated his insight, candor and genuine interest in exploring new ways to make the CEC Secretariat a more valuable institution with broad resonance throughout North America. The GAC requests that the substantive agenda items at each of our meetings be preceded by an opportunity for open dialogue with the Executive Director or his appointed

representative, on any matters of interest. This brief (15 to 20 minute) proposed standard agenda item should be titled “Executive Director’s Dialogue” and may include a presentation by the Executive Director. The GAC requests this opportunity for open dialogue with the Secretariat so that we may provide more salient advice to the US EPA.

- **“Outstanding Issues”** – Some members of the GAC have sought opportunities to raise unforeseen questions that emerged during the scheduled presentations, group deliberations or as a result of public input. The GAC recommends that a new standard agenda item be incorporated at the end of our “Day 1” meeting to accommodate such inquiries or comments by members of the GAC or NAC. A brief (10 minute) agenda item titled “Outstanding Issues” should be included after the Public Comment opportunity on the first day of our meetings.

Other Issues

- **Operational Plan** – GAC recommends the CEC’s Operational Plan cite more deliverables and planned outcomes in its project description. The rigor of developing these prescriptive requirements in the Operational Plan and work plans will undoubtedly help eliminate ambiguities and prevent misunderstandings among the Parties and the Secretariat at the conclusion of projects. It will also help prevent groups and subgroups from being formed or convened with lack of clarity of purpose. Committees should not meet for the sole purpose of meeting.
- **Annual Report** – The GAC recommends that the CEC develop an Annual Report in a format that is appropriate for broad public consumption. The development of a concise, public-friendly Annual Report can be broadly disseminated to promote increased awareness of the CEC. We recommend that the annual report should cite the content that is required in Article 12 of the NAAEC.
- **Integration of CEC with EPA’s Border 2012 Program** – The GAC recommends that efforts be planned jointly by EPA’s OIA, Region 6 and Region 9 to promote improved coordination of the CEC Team’s activities and the U.S.-Mexico Border 2012 Program. GAC members who also participate in Border 2012 note that synergistic opportunities exist. For example, some of the capacity-building efforts underway on the border could be extrapolated for use south into the interior of Mexico to address the CEC’s Capacity-Building Pillar. Similarly, on-the-ground chemical issues and experiences at the local level can enrich discussions by the SMOC or PRTR groups and help them identify future priorities that are evident to border communities. Such synergies can only be identified and appropriately tapped through a coordination opportunity among personnel working in both general areas – CEC and Border. A CEC workshop should be considered for the next Border 2012 National Coordinators’ Meeting to initiate such a dialogue.
- **CEC Support for Engagement of Indigenous Communities** – The GAC recommends that the CEC redouble its efforts to engage indigenous communities throughout North America. The CEC is in a unique position to nurture NGO and governmental support for increased engagement of Native American communities. The GAC recommends that the U.S. EPA and the Secretariat identify coordination mechanisms that would serve to help focus on target community issues. This should be done through outreach and dialogue with existing forums that already benefit from ample participation by representatives of indigenous communities in the U.S., Canada and Mexico.